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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/759,958	01/12/2001	Jia-Ni Chu	W9298-03	4265

7590

06/06/2002

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EXAMINER

MICHL, PAUL R

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 06/06/2002

44

Please find below and/or attached an Office communication concerning this application or proceeding.

T-D-11

## Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

☒ Responsive to communication(s) filed on 1/14/02

☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

☒ Claim(s) 1, 2, 4, 6-12, 14-16, 18, 20-26, 28, 29 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 2, 4, 6-12, 14-16, 18, 20-26, 28, 29 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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Claims 1, 2, 4, 6-12, 14-16, 18, 20-26, 28 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakai or Gust or Kolaitis. The Examiner's position remains as stated in the August 13, 2001 Office action. Applicants' response of January 14, 2002 has been considered but is not persuasive. Applicants argue that the Examiner has not pointed to teachings in these references to suggest that they are capable of adsorbing water. This argument is not persuasive. Applicants disclose zeolites and silica gel in the specification. These references disclose zeolite or silica gel. It is the Examiner's position that the composition of these references inherently possess any limitation in the claim concerning adsorbing water. This is a prima facie case of obviousness. If it is applicants' position that the composition of these references are not capable of adsorbing water, then the burden is on applicants to submit persuasive evidence in affidavit or declaration form to support their position. No such affidavit or declaration has been submitted. Therefore there is no basis for applicants to obviate this prima facie case of obviousness. The argument that not all silica gels are adsorbents has been considered but is not persuasive. This is an unsupported argument made by attorney. Applicants have not submitted any evidence to support this argument. This argument is not supported by the specification. Page 4 of the specification

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recites silica gels. Page 4 of the specification does not state that there are silica gels which adsorb water and silica gels which do not adsorb water and that one must select only the silica gels which adsorb water. The presumption from page 4 of the specification is that all silica gels adsorb water. Even if this argument were persuasive, Sakai and Kolaitis specifically recite zeolite. All zeolites adsorb water. Applicants have not rebutted the prima facie case directed to the obviousness of compositions according to Sakai or Kolaitis comprising thermoplastic material, wax, and zeolite.

**THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE

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MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Michl whose telephone number is (703) 308-2451. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for this Group is (703) 305-5433.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2351.

PRMichl:cdc

May 28, 2002

  
**PAUL R. MICHL**  
**PATENT EXAMINER**  
**ART UNIT 156**